

quarterly pay into the state treasury on the first day of January, April, July, and October of each year the amount of license fees payable by law into such treasury.

Date of payment of fees to state treasurer.

SEC. 3. The books, accounts, vouchers, and funds belonging to, or kept by, said board of commissioners of pharmacy shall at all times be open or subject to the inspection of the governor, or any committee appointed by him, as is provided for in section 132 of the code of 1873.

Books, accounts, etc., open to inspection of governor or committee.

SEC. 4. All acts or parts of acts inconsistent herewith are hereby repealed.

Repealing clause.

SEC. 5. This act being deemed of immediate importance shall take effect and be in full force from and after its publication in the Iowa State Register and Des Moines Leader, newspapers published in the city of Des Moines, Iowa.

Publication clause.

Approved April 14, 1896.

I hereby certify that the foregoing act was published in the Iowa State Register, April 24, and Des Moines Leader, April 25, 1896.

W. M. MCFARLAND,
Secretary of State.

CHAPTER 60.

AN ACT to amend section 2, chapter 35 of the Acts of the 23rd General Assembly relating to permits of registered pharmacists.

H. F. 243.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 2 chapter 35 of the acts of the 23rd General Assembly, be, and is hereby amended by adding after the words "intoxicating liquors" in the 6th line the words "not including malt liquors."

Ch. 35, Acts 23 G. A., amended. Malt liquors not included.

Approved April 4, 1896.

CHAPTER 61.

AN ACT to repeal chapter 70 of the acts of the Twenty-fifth General Assembly, and chapter 10, title III of the Code and to provide for the selecting and drawing of jurors and providing punishment for violation thereof.

S. F. 393.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. All qualified electors of the state, of good moral character, sound judgment, and in full possession of the senses of hearing and seeing, and who can speak, write and read the English language, are competent jurors in their respective counties.

Jurors, qualification of, in counties.

SEC. 2. The following persons are exempt from liability to act as jurors: All persons holding office under the laws of the United States or this state; all practicing attorneys, physicians, registered pharmacists, and clergymen; all acting professors or teachers of any college,

List of persons exempt from jury service.

school, or other institution of learning, and all persons disabled by bodily infirmity, or over sixty-five years of age, active members of any fire company, and any person who is conscientiously opposed to acting as a juror because of his religious faith.

Persons excused from jury service.

SEC. 3. Any person may also be excused from serving on a jury when his own interests or those of the public will be materially injured by his attendance, or when the state of his own health, or the death or sickness of a member of his family, requires his absence from court. Any person who knowingly makes any false affidavit, statement, or claim for the purpose of relieving himself from serving as a juror, or any person requests the judges of election to return his name as such juror, shall upon conviction, be punished by fine not exceeding one hundred dollars or by imprisonment in the county jail not more than thirty days, or the court may punish such person as for contempt.

Persons making false statements for relief from jury service.

Punishment.

Lists of persons to serve as jurymen made annually.

Classification of list by population.

Talesmen list.

Where less than 1,000 inhabitants are in territory.

Counties where courts held in more than one place.

County auditor to apportion list of jurors and talesmen.

SEC. 4. There shall annually be made lists from which to select persons to serve as grand and petit jurors and talesmen for the year, commencing on the first day of January following, as follows: Seventy-five persons in each county from which to select grand jurors; four hundred persons in each county having twenty thousand inhabitants or less, and eight hundred persons in counties having more than twenty thousand inhabitants, from which to select petit jurors; one hundred and fifty persons in counties having twenty thousand inhabitants or less, and three hundred persons in counties having more than twenty thousand inhabitants from which to select talesmen. The talesmen lists shall be made from names of persons who reside in the city or town in which the district court is held and the township or townships in which such city or town is located; but, if according to the last state or national census there be less than one thousand inhabitants in the territory from which talesmen are required to be drawn, such lists may include residents of another township next nearest to the court house. In counties where court is held in more than one place, the persons shall be selected from the qualified electors of the separate divisions of the county, giving to each division of the county the number of grand and petit jurors and talesmen it would be entitled to under this act, if it were a separate county.

SEC. 5. On or before the first Monday in September in each year the county auditor shall apportion the number of grand and petit jurors to be selected among the several election precincts and the talesmen among the precincts from which the same are to be drawn in each case as nearly as practicable in proportion to the number of votes polled in such precincts at the last general election.

SEC. 6. The auditor shall, at the time of furnishing the poll-books to the judges of election, furnish them also a statement of the number of persons apportioned to their respective precincts to be returned for the said jury list, together with the names of all persons who have served as jurors during the preceding year, which latter names shall be furnished to him by the clerk of the district court. The judges shall thereupon make the requisite selection and return lists of names so selected to the auditor, with the returns of elections; and in case the judges of election shall fail to make and return said lists, as herein required, the board of supervisors shall, at the meeting held to canvass the votes polled in the county, make such lists for the delinquent precincts, and the auditor shall file such lists in his office, and cause a copy thereof to be recorded in the election-book. Such lists shall be composed only of persons competent and qualified to serve as jurors; and the judges of election or board of supervisors shall omit from said list the name of any person who has requested directly or indirectly that his name be returned thereon, or any person who has served as a juror in a court of record during the preceding year. And if the name of any such person is returned the fact that he has requested to be so returned, or has served as a juror in a court of record during the preceding year, shall be a ground for challenge for cause. The members of the election board or the board of supervisors when certifying such list shall state that the lists do not contain the name of any person who requested directly or indirectly that his name appear thereon. *Provided* if the boundaries of any voting precinct shall be changed it shall be the duty of the auditor in making the apportionment of grand and petit jurors and talesmen to assign to the new voting precincts the total number of grand and petit jurors and talesmen to which all the former precincts affected by the change were entitled, giving to each new precinct an equal number as nearly as possible.

SEC. 7. On or before the first Monday in December in each year the county auditor and clerk of the district court shall prepare from said lists separate ballots, containing the names and places of residence of all persons so returned by the judges of election or board of supervisors, keeping the names of the several classes of jurors separate, and deposit in separate boxes the ballots of the grand jurors, petit jurors, and talesmen as returned on said lists, which boxes shall be plainly marked, sealed, and forthwith deposited with the clerk of the district court.

SEC. 8. Twelve persons shall be drawn from the grand jury list and shall constitute the panel from which to select grand jurors for one year; but no more than one person shall be drawn as a grand juror from any civil township except when there are less than twelve civil

Auditor to furnish statement of apportionment with poll books.

Judges to select and return names to auditor.

Failure of judges to make list.

List to contain only names of competent persons.

Persons who have already served.

Grounds for challenge.

Certificate as to previous service.

Where boundaries of voting precincts are changed.

Auditor and clerk of court to prepare ballots.

Several classes of jurors to be kept separate.

Twelve persons to constitute a panel.

But one juror to be drawn from a township.

Same person not to be drawn for two consecutive years.

Twelve names to be placed in a box.

Seven names drawn to constitute the grand jury.

Drawing of petit jury.

To serve but one term.

Jury drawn 20 days prior to court session. Auditor, clerk and recorder to draw names.

Ballots to be uniform size and fold.

Size of box.

Manner of drawing.

Box to be sealed and returned to clerk. Sheriff to summons jurors so drawn. Jurors illegally drawn.

townships in the county, in which case not more than two persons shall be drawn from any one township. No person shall be summoned or serve as grand juror for two consecutive years. If more persons shall be drawn from any civil township than is hereby authorized, or any person is drawn who has served the preceding year as grand juror, it is the duty of the officers drawing such grand jury to reject all such names so drawn, and to proceed with the drawing until the required number of jurors shall be secured.

SEC. 9. The names of the twelve persons constituting the panel of the grand jury shall on the second day of each term of court unless otherwise ordered by the court or judge be placed by the clerk in a box and after thoroughly mixing the same he shall draw therefrom seven names; and the persons so drawn shall constitute the grand jury for that term. Should any of the persons so drawn be excused or fail to attend on said second day of the court the clerk shall draw other names until the seven grand jurors are secured.

SEC. 10. Petit jurors shall be drawn from the petit jury lists for each term but no person shall be required to attend as a petit juror more than one term in the same year. But this exemption shall not apply to talesmen.

SEC. 11. At least twenty days prior to the first day of each term at which a grand or petit jury is required to be selected, the county auditor, clerk of the district court, and recorder shall meet at the court house and proceed to draw the grand and petit jurors as provided herein. The ballots when placed in the respective boxes from which the drawings are to be made shall be uniform in size and paper, and be so folded as to conceal the names on the ballots, and the boxes shall be arranged with only an aperture to insert the hand, and at the time of the drawing the boxes shall be thoroughly shaken in the presence of the officers attending the drawing and the seal on the aperture broken in their presence, and one of said officers shall then, without looking at the ballots, draw one from the appropriate petit jury or grand jury box, as the case may be and pass it to one of the other officers attending the drawing, who shall open it, and the name thereon shall be read aloud by him and taken down; then another ballot shall be drawn and opened in the same manner until the whole number of jurors required shall be drawn for each class, when the boxes shall again be sealed up and returned to the clerk of the district court, who shall immediately issue his precept to the sheriff of the county, commanding him to summon the persons so drawn to appear at the court house at the time designated in such precept, or if the court shall determine that either the grand or petit jurors have been illegally drawn, selected, or summoned the court may set as'de the

precept under which they were summoned, and direct a sufficient number drawn and summoned in the manner above provided; the drawing may proceed forthwith, and the jurors so drawn be required to appear immediately, or at such time as the court may fix.

New drawing ordered.

SEC. 12. The sheriff shall immediately obey such precept, and on or before the day for the appearance of said jurors must make return thereof, and on a failure to do so without sufficient cause may be punished for contempt.

Sheriff to immediately summons new jury.

SEC. 13. Except when required at a special term the twelve persons from which the grand jury is to be empannelled need not be summoned after the first term, but must appear at each succeeding term during the year without summons, under the same penalty as though they had been summoned.

Grand jury need be summoned but once.

To appear at each succeeding term.

SEC. 14. Unless the court or judge otherwise orders, jurors shall be summoned to appear at each place where court is to be held, at ten o'clock A. M. of the second day of the term, at which time they shall be called and all excuses shall be heard and determined by the court, but the empanelling of the grand or petit juries may be postponed to a subsequent day by order of the court or judge. If any person summoned fail to appear without sending a sufficient excuse, the court may issue an order requiring him to appear and show cause why he should not be punished for contempt, and unless he render a sufficient excuse for such failure he may be punished for contempt.

Jurors summoned to appear second day.

Empanelling grand jury may be postponed.

Failure to appear.

Contempt.

SEC. 15. The grand jury shall be composed of seven members. The petit jurors, in counties containing a population of less than fifteen thousand shall be fifteen in number, unless the court or judge otherwise orders. In counties having fifteen thousand or over, the number shall be twenty-four, unless the court or judge otherwise orders. When a single county constitutes a district, the court may increase the number not to exceed seventy-two.

Grand jury composed of seven members.

Number when increased.

SEC. 16. Should the number of petit jurors summoned fail to appear, or be excused as provided in this chapter, the requisite number shall be drawn in the same manner as the original panel, and the persons so drawn shall be forthwith summoned to appear and serve as jurors during the term. Persons so drawn shall have the right to present excuses as provided for the original panel. The court or judge thereof, either before or during the term, may order as many additional jurors drawn for the term, or for the trial of any particular case, as may be deemed necessary, which drawing shall be in the same manner as for the original and regular panel, so far as applicable.

Where jurors fail to appear or are excused.

Persons drawn may present excuse.

Additional jurymen may be drawn.

SEC. 17. If in the judgment of the court the business of the term does not require the attendance of all the petit jurors, such number as the court deems proper may be discharged. Should it afterwards appear that a jury is required, the court may direct them to be re summoned.

Petit jury may be discharged.

Recalled.

Clerk may in certain cases draw talesmen.

SEC. 18. If upon the trial of any cause the court shall determine that it is probable talesmen will be needed to complete the jury or if the regular panel has been exhausted, the clerk shall, in the presence of the court, draw such number of names as court may order from the talesman box to complete the jury. In drawing such names the clerk, when the court directs, shall reject those known to be unable to serve or absent from the territory from which drawn and proceed until the required number is secured. The persons whose names are so drawn, or as many thereof as may be found within the territory from which talesmen are selected, shall be immediately summoned by the sheriff to appear forthwith, and the jury shall be completed from the persons so summoned and appearing. The names of jurors so drawn and who serve shall be placed in a safe receptacle from time to time until all the ballots are drawn from the talesmen box when such ballots shall be returned to the said box to be drawn in like manner as before; when the parties to the cause by agreement entered of record, waive the drawing of talesmen as above provided the court may direct the sheriff to summon such talesmen from the body of the county.

May reject in certain cases.

Talesmen to be summoned by sheriff.

Names of talesmen retained.

Names returned to box.

Ballots shall be returned to box where persons are not found.

SEC. 19. All ballots drawn when the persons do not appear or do not serve (except when permanent disability or exemption is shown) shall be returned to the respective boxes from which drawn, but the ballots of the petit jurors, except talesmen, so drawn who appear and serve for any term shall be destroyed.

Special venire where city is party to suit.

SEC. 20. When a city or town is party to a suit the talesmen shall not be drawn therefrom, but in such cases the court shall order a special venire or may order the talesmen drawn from the petit jury box.

Neglect of duty by officer.

SEC. 21. Any officer whose duty it is to perform any of the services in this chapter mentioned, who shall intentionally fail to perform them as required by law, or who shall act corruptly in the discharge of such duties or any of them shall be deemed guilty of a misdemeanor, and on conviction thereof shall be imprisoned in the county jail not less than six months nor more than one year.

Penalty for neglect of duty. Certificate of service.

SEC. 22. At the close of each term of the district court, the clerk shall make out a certificate to each juror of the amount to which he is entitled for his services, and on the presentation of such certificate the county auditor shall issue to each juror a warrant for the said amount on the county treasurer without the same being audited by the board of supervisors.

Warrant on county treasurer.

The jury for 1897 to be drawn in compliance with this law.

SEC. 23. All acts required to be performed by the several officers named in this act, and in the preparation and making of the several lists and selection of names of persons to be returned to the auditor from which jurors are to be drawn and the return thereof, as provided

herein, and the drawing of names from the several jury boxes and the summoning of jurors shall be done and performed so that the juries for the year 1897 shall be selected, drawn, and summoned in pursuance of the provisions of this act.

SEC. 24. Chapter 70 of the acts of the Twenty-fifth General Assembly, and chapter 10, title III of the code, are hereby repealed, but this repeal shall not take effect until the first day of January, A. D. 1897, and shall not affect the trial of any cause pending on the first day of January, A. D. 1897, wherein the jury may have been selected, drawn and empanelled under the acts of the Twentieth-fifth General Assembly.

Approved April 14, 1896.

CHAPTER 62.

AN ACT to amend sec. 3, chapter 161, acts 21st General Assembly, H. F. 83. as amended by section twelve chapter forty-eight of the acts of the Twenty second General Assembly of the State of Iowa relating to the registration of voters.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That sec. 3, ch. 161, acts 21st G. A., as amended by section twelve of chapter forty eight of the acts of the Twenty second General Assembly of the State of Iowa, be and hereby is amended by striking out the words "twenty-five" as they appear in said section and by inserting in lieu thereof the words "thirty-five."

Approved April 10, 1896.

CHAPTER 63.

AN ACT to amend chapter 25 of the acts of the Twenty-second General Assembly, relating to notice of injury.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 1 of chapter 25 of the acts of the Twenty-second General Assembly be amended by striking out the word, "six" in the sixth line of said section, and inserting in lieu thereof the word, "three;" also by striking out the word "ninety" in the ninth line of the same section, and inserting in lieu thereof the word "sixty."

Approved April 14, 1896.